

or HUD determines to be necessary (see parts 5, subpart B, and 813 of this title). At the first regular reexamination after June 19, 1995 the PHA shall follow the requirements of 24 CFR part 5 concerning obtaining and processing evidence of citizenship or eligible immigration status of all family members. Thereafter, at each regular reexamination, the PHA shall follow the requirements of 24 CFR part 5 concerning verification of the immigration status of any new family member.

(b) *Interim reexaminations.* The family must comply with provisions in § 882.118 regarding interim reporting of changes in income. If the PHA receives information concerning a change in the family's income or other circumstances between regularly scheduled reexaminations, the PHA must consult with the family and make any adjustments determined to be appropriate. Any change in the family's income or other circumstances that results in an adjustment in the Total Tenant Payment, Tenant Rent, and Housing Assistance Payment must be verified. See part 5, subpart B, of this title for the requirements for the disclosure and verification of Social Security Numbers at interim reexaminations involving new family members. For requirements regarding the signing and submitting of consent forms by families for the obtaining of wage and claim information from State Wage Information Collection Agencies, see part 5, subpart B, of this title. At any interim reexamination after June 19, 1995 when there is a new family member, the PHA shall follow the requirements of 24 CFR part 5, subpart E concerning obtaining and processing evidence of citizenship or eligible immigration status of the new family member.

(c) *Continuation of housing assistance payments.* A family's eligibility for Housing Assistance Payments shall continue until the Total Tenant Payment equals the Gross Rent. The termination of eligibility at such point will not affect the family's other rights under its lease, nor will such termination preclude the resumption of payments as a result of later changes in income, rents or other relevant circumstances during the term of the Contract. However, eligibility also may

be terminated in accordance with HUD requirements for such reasons as failure to submit requested verification information, including failure to meet the disclosure and verification requirements for Social Security Numbers, as provided by part 5, subpart B, of this title, or failure to sign and submit consent forms for the obtaining of wage and claim information from State Wage Information Agencies, as provided by part 5, subpart B, of this title. For provisions requiring termination of housing assistance payments when the PHA determines that a member is not a U.S. citizen or does not have eligible immigration status, see 24 CFR parts 5 and 982 for provisions concerning certain assistance for mixed families (families whose members include those with eligible immigration status, and those without eligible immigration status) in lieu of termination of assistance, and for provisions concerning deferral of termination of assistance.

(d) *Termination of Contract.* If one year has elapsed since the date of the last Housing Assistance Payment, the Contract shall be terminated.

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[49 FR 19945, May 10, 1984, as amended at 51 FR 11226, Apr. 1, 1986; 53 FR 847, Jan. 13, 1988; 53 FR 6601, Mar. 2, 1988; 54 FR 39705, Sept. 27, 1989; 56 FR 7538, Feb. 22, 1991; 60 FR 14843, Mar. 20, 1995; 61 FR 11118, Mar. 18, 1996; 61 FR 13625, Mar. 27, 1996]

#### § 882.213 [Reserved]

#### § 882.214 Adjustment of allowance for utilities and other services.

(a) *Annual review.* At least annually, the PHA shall determine whether there has been a substantial change in utility rates or other charge of general applicability, and whether an adjustment is required in the Allowance of Utilities and Other Services by reason of such changes or because of errors in the original determination. If the PHA determines that an adjustment should be made, the PHA shall establish a schedule of adjustments taking into account size and type of dwelling units and other pertinent factors and shall furnish HUD with a copy of the adjusted schedule.

(b) *Adjustments in payments under Contracts in effect.* The PHA shall determine the amounts of adjustments to be made in the amount of rent to be paid by affected Families and the amount of housing assistance payments and shall notify the Owners and Families accordingly.

(c) *Effect on Fair Market Rents.* If the PHA finds that utility cost changes are causing substantial difficulties in leasing Decent, Safe and Sanitary housing within the existing Fair Market Rent limitations, the PHA shall furnish appropriate documentation to HUD with a request for consideration of the need for a change in the Fair Market Rents.

**§§ 882.215–882.216 [Reserved]**

**§ 882.217 HUD review of contract compliance.**

HUD will review program operations at such intervals as it deems necessary to ensure that the Owner and the PHA are in full compliance with the terms and conditions of the Contract and the ACC. Equal Opportunity review may be conducted with the scheduled HUD review or at any time deemed appropriate by HUD.

**§ 882.218 PHA reporting requirements. [Reserved]**

**§ 882.219 [Reserved]**

**Subpart C—Shared Housing in the Certificate Program**

SOURCE: 51 FR 21310, June 11, 1986; 53 FR 7734, Mar. 10, 1988, unless otherwise noted.

**§ 882.301 Applicability, scope, and purpose.**

(a) *General.* (1) This subpart C contains special requirements for Shared Housing in the Section 8 Certificate program. In Shared Housing, an assisted Family shares a housing unit (such as a house or an apartment) with the other resident or residents of the unit. Shared Housing is designed to provide additional choices in living arrangements for assisted Families. This subpart gives a PHA discretion to determine whether to include Shared Housing in its Certificate program and to design the Shared Housing component to meet local needs and cir-

cumstances. This subpart provides procedures to be followed by PHAs that choose to permit assistance in Shared Housing, and by Owners and Families that participate in these arrangements.

(2) Subpart C implements section 211 of the Housing and Urban-Rural Recovery Act of 1983, Pub. L. 98–181, as it pertains to the Section 8 Certificate program. Section 211 amended section 8 of the U.S. Housing Act of 1937, by requiring HUD to permit assistance in shared housing arrangements in the Section 8 Existing Housing and Moderate Rehabilitation programs for eligible Elderly Families. That provision also directed HUD to issue minimum habitability standards to ensure that shared housing is decent, safe, and sanitary, taking into account the special circumstances of this type of housing. As a matter of discretion, HUD has expanded the scope of Shared Housing to permit all eligible Families, not just Elderly Families, to participate in Shared Housing, and thus benefit from this type of living arrangement.

(b) *Eligible units.* Units in structures of various types may be used for Shared Housing, including single family houses and multifamily buildings. The unit must satisfy the housing quality standards in § 882.109. Manufactured homes for which assistance is provided under subpart F are not eligible for Shared Housing.

**§ 882.302 Definitions.**

In addition to the definitions set forth in §§ 812.2, 813.102 and 882.102, the following apply:

*Common space.* Space available for use by the assisted Family(ies) and other occupants of the unit. (See the housing quality standards in § 882.109(q).)

*Individual lease shared housing.* The type of Shared Housing in which the PHA enters into a separate HAP Contract for each assisted Family residing in a Shared Housing unit.

*Private space.* The portion of the dwelling unit that is for the exclusive use of an assisted Family. (See the housing quality standards in § 882.109(q).)

*Related lease shared housing.* The type of Shared Housing in which the PHA enters into a single HAP Contract for